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To the benefit of the City of San
Diego, Exempt from fees per
Gov't Code § 6103.

Attorneys for Defendant
Brian Cornell

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAYMOND ROBINSON,

Plaintiff,

v.

DAVID RUBIN and BRIAN CORNELL,

Defendants.

) Case No. 08 CV 0244 W BLM

)
) **DEFENDANT BRIAN CORNELL'S**
) **NOTICE OF MOTION AND MOTION**
) **TO DISMISS PLAINTIFF'S**
) **COMPLAINT**

) [Fed. R. Civ. P. Rule 12(b)(6)]

) **[NO ORAL ARGUMENT PURSUANT**
) **TO LOCAL RULE 7.1]**

) Date: April 7, 2008

) Time: 10:30 a.m.

) Courtroom: 7

) Judge: Hon. Thomas J. Whelan

TO: PLAINTIFF AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on April 7, 2008, at 10:30 a.m., or as soon thereafter as this matter may be heard, in the Courtroom of the Honorable Thomas J. Whelan, United States District Court Judge, Courtroom 7 located at the United States District Court for the Southern District of California, 940 Front Street, San Diego, CA, Defendant Brian Cornell ("Cornell") will move, and hereby moves, this Court to dismiss the Complaint against Cornell pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

For the reasons set forth in the attached Memorandum in Support of this Motion, incorporated herein by reference and on the records and files in the case and on such additional

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1 argument or evidence as may be presented at hearing, said Defendant respectfully requests that
2 the Complaint in this matter as to Cornell be dismissed.

3 Dated: March 5, 2008

MICHAEL J. AGUIRRE, City Attorney

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5 By /s/ Walter C. Chung

DANIEL M. BAMBERG

6 WALTER C. CHUNG

Deputy City Attorneys

Attorneys for Defendant Brian Cornell
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